

# Order

Michigan Supreme Court  
Lansing, Michigan

October 6, 2005

128717  
& (51)

Clifford W. Taylor,  
Chief Justice

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellant,

v

RANDALL OWEN COUTURIER,  
Defendant-Appellee.

SC: 128717  
COA: 252175  
Bay CC: 02-010721, 02-010903

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On order of the Court, the application for leave to appeal the February 10, 2005 judgment of the Court of Appeals and the application for leave to appeal as cross-appellant are considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we VACATE the Court of Appeals judgment and REMAND this case to that court for (1) consideration of whether, under the standard set forth in *People v Carines*, 460 Mich 750 (1999), for unpreserved constitutional error, the circuit court erred in limiting cross-examination of a witness regarding a note that she allegedly wrote, and (2) for consideration of issues previously raised by defendant but not addressed by the Court of Appeals. In all other respects, the application for leave to appeal and the application for leave to appeal as cross-appellant are DENIED.

We do not retain jurisdiction.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 6, 2005

*Corbin R. Davis*

Clerk